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Representative John Stahl, Chair
Family & Children Services Committee
Michigan House of Representatives

RE: House Bill 5267

Dear Representative Stahl:

Thank you for the opportunity to provide input on HB 5267.

As can be seen from the letterhead, I am a licensed Attorney and a Licensed Masters Social Worker. I have been trained by the State Court Administrative Office to facilitate mediation of custody/parenting time disputes administered through Community Dispute resolution center pilot programs. I am a member of the Family Law Section of the State Bar and a Board member of the Michigan Chapter of the National Association of Social Workers and chair the Chapter's Legislative – Social Policy Committee.

I urge you and your colleges on the committee to NOT act favorably on HB 5267 as introduced. I believe the proposed amendatory language requiring the court to order joint custody in all custody disputes, with limited exceptions and without considering the best interest of the child, will result in *more, not less* acrimony between parents who disagree on parenting matters and produce more stress and trauma for the child.

One of the exceptions that would permit the court to not have to order joint custody would be if the court determines by clear and convincing evidence that a parent is unfit, unwilling, or unable to care for the child. I believe even this exception is problematic. As I read it, if the court determines the parent is fit, willing and able to care for the child then the court must order joint custody. This is problematic since it provides no ability for the court to consider the best interest of the child and such factors as the parents' ability to facilitate the parenting time schedule without constant fighting and emotional damage to the child.

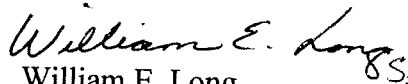
The amendments also define joint custody as meaning "substantially equal periods of time". I believe courts need to be able to determine the individual circumstances on a

case by case basis and not be required to order substantially equal time periods. The court needs to be able to consider the child's best interest, not the competing interests of the parents, when determining child custody/parenting time schedules. The court should be permitted to consider factors such as age of the child, childcare arrangements when the custodial parent is working and others.

Promoting both parents involvement in a child's life and activities and having both parents involved in major decisions during the development of the child is a worthy goal. But encouraging and promoting this goal through processes such as facilitative mediation is, I believe, a more practical and more constructive means of achieving that goal than mandating "substantially equal periods of time" in all custody/parenting time matters.

Thank you for considering my views.

Sincerely,


William E. Long